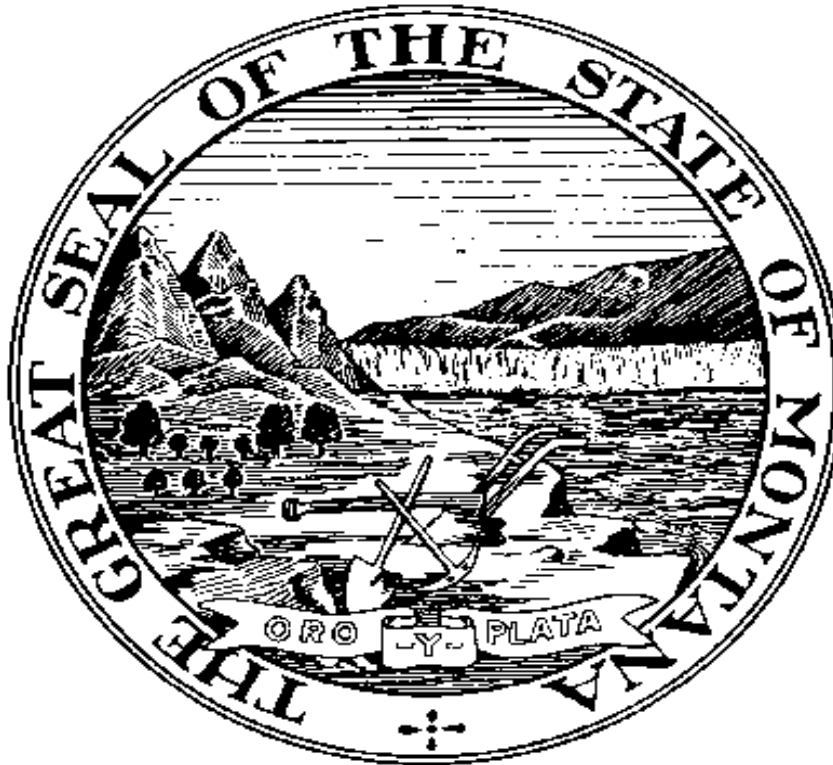


# **Consultation Services for the Employer**

## **OSHA 3047**

### **Occupational Safety & Health Bureau**



### **Montana Department of Labor & Industry**

Prepared for Montana Employers  
by the

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## **Introduction**

Employers who want help in recognizing and correcting safety and health hazards and in improving their safety and health programs can get it from a free consultation service largely funded by the Occupational Safety and Health Administration (OSHA). The service is delivered by State governments using well-trained professional staff.

The consultation program not only addresses immediate problems but also offers advice and help in maintaining continued effective protection.

For the short term, consultants help employers identify and correct specific hazards. For the long term, they provide guidance in establishing or improving an effective safety and health program and offer training and education for employers and employees.

The service is given chiefly at the worksite, but limited services may be provided away from the worksite. Primarily targeted for smaller businesses in higher hazard industries or with especially hazardous operations, the safety and health consultation program is completely separate from the inspection effort.

The service is also confidential. Your name and firm and any information about your workplace, plus any unsafe or unhealthful working conditions that the consultant uncovers, will not be reported routinely to the OSHA inspection staff. In addition, no citations are issued or penalties proposed as a result of a consultation.

Your only obligation is a commitment to correct any imminent dangers and other serious job safety and health hazards in a timely manner. You make this commitment before the consultant's visit. Consultation is a cooperative approach to solving safety and health problems in the workplace. As a voluntary activity, it is neither automatic nor unexpected. You must request it.

## **Benefits**

If you know what the hazards in your workplace are and ways to remedy them, you will be in a better position to comply with job safety and health requirements. The more you know about the safety and health aspects of your company's operations and ways to improve them, the better you can manage your firm in general.

The consultation program provides professional advice and assistance at no cost. When a consultant helps set up or strengthen a workplace safety and health program, safety and health activities become routine considerations rather than crisis oriented responses. Under this program, you may be excluded from general schedule OSHA enforcement inspections for 1 year when you have a complete examination of your workplace, correct all identified hazards, post notice of their correction, and institute the core elements of an effective safety and health program.

To help employers develop an effective safety and health program, in 1989, OSHA issued recommended guidelines for the effective management and protection of worker safety and health. The complete original text of the nonmandatory guidelines is found in the Federal Register (54 FR (18):3904-3916, January 26, 1989). An *OSHA Handbook for Small Businesses* (OSHA 2209) applies these guidelines to the special concerns of smaller businesses. A copy of these materials can be obtained from the OSHA

Publications Office, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3101, Washington, D. C. 20210, or from the nearest OSHA Regional Office at (303) 844-3061.

## **Procedures**

In consultation, the consultant is both student and teacher. The consultant studies each workplace and the employer's safety and health program. Based on this analysis, the consultant then applies professional expertise to the specific problems and unique operations of the workplace and instructs the employer on these applications.

Consultation can go beyond the usual physical survey of the workplace for violations of Federal or State OSHA standards. The consultant may also point out work practices that are likely to cause illness or injury and then advise and assist the employer in correcting them. He or she may propose other measures directed toward improving a firm's occupational injury and illness experience. These measures may include using self-inspections, emphasizing supervisory responsibility in promoting safety, identifying safety and health training needs, alerting workers to hazards, employing labor-management safety and health committees, and holding regular safety and health meetings with workers.

Comprehensive consultation services include the following: (1) an appraisal of all mechanical and environmental hazards and physical work practices; (2) an appraisal of the present job safety and health program or the establishment of one; (3) a conference with management on findings; (4) a written report of recommendations and agreements; (5) training, and assistance with implementing recommendations; and (6) a follow-up to assure that any required corrections are made.

## **Getting Started**

How does this process begin? Consultation starts with your request, which maybe a telephone call, a letter, or a personal contact. Some services, such as a safety and health review of proposed or new production processes may be conducted at locations away from the employer's worksite.

When you request onsite services, the consultant will confer with you at the outset regarding the specific needs or concerns you describe. The consultant may also research any special problems you mention in the initial contact before scheduling a visit to your establishment. The consultant may encourage you to include within the scope of your request all working conditions at the worksite and your entire safety and health program. You have the option, however, to limit the consultation visit to a discussion of fewer, more specific, problems. If the consultant observes hazards that are outside the scope of the request, he or she must notify you of their presence.

## **Opening Conference**

Upon arrival at your worksite for a scheduled visit, the consultant will briefly review his or her role during the visit and may, if requested, review with you your safety and health program. The consultant will explain the relationship between onsite consultation and OSHA enforcement activity and further

explain your obligation to protect employees in the event that serious hazardous conditions are identified. Also, he or she will explain that employee participation is encouraged during the consultation process.

### **The Walkthrough**

During the walkthrough of the worksite, you and the consultant will examine conditions in your workplace. The consultant will identify any specific hazards and provide advice and assistance in establishing or improving your safety and health program and in correcting any hazardous conditions identified. At your request, assistance may also include education and training for you, your supervisory personnel, and other employees.

OSHA strongly encourages, but does not require, worker participation in the walkthrough. Better informed and alert workers can more easily work with you to identify and correct potential injury and illness hazards. At a minimum, the consultant must be able to talk freely with workers during the walkthrough to help identify and judge the nature and extent of specific hazards and, where requested, to evaluate your safety and health program.

The consultant will study either your entire operation or focus on those areas, conditions, or hazards for which you have requested assistance. He or she will also offer advice and assistance on other safety or health hazards might not be covered by current Federal or State OSHA standards but that still pose safety or health risks to your employees.

In a complete review of a company's operation, the consultant will look for mechanical and physical hazards by examining the structural condition of the building, the condition of the floors and stairs, and the exits and fire protection equipment. During the tour of the workplace, he or she will review the layout for adequate space in aisles and between machines, check equipment such as forklifts, and examine storage conditions. Control of electrical hazards and machine guards will also be considered.

The consultant will check the controls used to limit worker exposure to environmental hazards such as toxic substances and corrosives, especially air contaminants. He or she will check to see if all necessary technical and personal protective equipment is available and functioning properly. Also, the consultant will note any problems workers may encounter from exposure to noise, vibration, extreme temperatures, lighting, or other environmental factors, and will offer the means and techniques commonly used for the elimination or control of any hazards.

Work practices, including the use, care and maintenance of hand tools and portable power tools, as well as general housekeeping, are of interest to the consultant. He or she will want to talk with you and your workers about items such as job training, supervision, safety and health orientation and procedures, and the maintenance and repair of equipment.

In addition, the consultant will want to know about any on-going safety and health program your firm has developed. If your firm does not have a program or you would like to make improvements, the consultant will, at your request, offer advice and technical assistance on establishing a program or improving it. Management and worker attitude toward safety and health will be considered in this analysis, as well as current injury and illness data. The consultant also will need to know about how you and your employees communicate about safety and health as well as be aware of any in-plant safety and health inspection programs.

### **Closing Conference**

Following the walkthrough, the consultant will meet with you in a closing conference. This session offers the consultant an opportunity to discuss measures that are already effective and any practices that warrant improvement. During this time, you and the consultant can discuss problems, possible solutions, and time frames for eliminating or controlling any serious hazards identified during the walkthrough.

In rare instances, the consultant may find an "imminent danger" situation during the walkthrough. In such situations, an employer must take immediate action to protect all affected workers. If the consultant finds a hazard that is considered to be a "serious violation" under OSHA criteria, he or she will work with you to develop a mutually acceptable plan and schedule to eliminate or control that hazard. During this time, OSHA encourages you to advise all affected employees of the hazards and to notify them when the hazards are corrected. Consultants offer general approaches and options as well as technical assistance on the correction of hazards when they have the expertise. As necessary, consultants will recommend other sources for specialized technical help.

The consultant may also offer suggestions for establishing, modifying, or adding to the company's safety and health program to make such programs more effective. Such suggestions could include worker training, changing work practices, methods for holding supervisors and employees accountable for safety and health, and various methods of promoting safety and health.

### **Hazard Correction and Program Assistance**

After the closing conference, the consultant will send you a written report explaining the findings and confirming any correction periods agreed upon. The report may also include suggested means or approaches for eliminating or controlling hazards as well as recommendations for making your safety and health program effective. You are, of course, free to contact consultants for additional assistance at any time.

Ultimately, OSHA does require completed action on serious hazards so that each consultation visit achieves its objective-effective worker protection. If an employer fails or refuses to eliminate or control an identified serious hazard or any imminent danger in accordance with the plan or any extensions granted, the situation would be referred to an OSHA enforcement office for review and action, as appropriate. This is a rare occurrence.

### **Inspection Exemption**

Employers who receive a comprehensive consultation visit, correct all identified hazards, and institute the core elements of an effective safety and health program may be awarded a certificate of recognition from OSHA signifying a 1 -year exemption from general schedule enforcement inspections. Inspections prompted by an employee complaint or by a fatality or catastrophe would not be exempted under this program.

Employers who elect to pursue this exemption must post a notice of participation as well as a notice of correction of all hazards found.

Once the certificate is awarded, participants must agree that they will call the consultant for further assistance if new processes that could pose new hazards are introduced into the workplace. They must also agree to complete the remaining elements of an effective safety and health program within a reasonable time.

At present, the exemption provision applies only to fixed worksites. The inclusion of construction and other mobile worksites is under review. This exemption provision applies only in states under Federal OSHA enforcement. Similar provisions may be adopted by states with their own enforcement plans.

OSHA may limit eligibility for the consultation program to smaller companies. Recognition for larger and smaller companies is available through the Voluntary Protection Program (VPP). Under the VPP, OSHA gives special recognition to companies that have strong safety and health programs. Employers who participate in the VPP are required to develop a comprehensive and effective safety and health program that includes active employee participation and that ultimately results in improved safety and health conditions. In fact, employers who successfully participate in the exemption through consultation may wish to move into the VPP.

### **Summary**

The consultation program provides several benefits for you as an employer. Onsite consultants will:

- ◆ Help you recognize hazards in your workplace.
- ◆ Suggest approaches or options for solving a safety or health problem.
- ◆ Identify sources of help available to you if you need further assistance.
- ◆ Provide you with a written report that summarizes these findings.
- ◆ Assist you in developing or maintaining an effective safety and health program.
- ◆ Offer training and education for you and your employees at your workplace, and in some cases away from the site.
- ◆ Under specified circumstances, recommend you for recognition by OSHA and a 1-year exclusion from general schedule enforcement inspections.

### **Consultants will not:**

- ◆ Issue citations or propose penalties for violations of Federal or State OSHA standards.
- ◆ Routinely report possible violations to OSHA enforcement staff.
- ◆ Guarantee that any workplace will "pass" a Federal or State OSHA inspection.

## **State Occupational Safety and Health Consultation Project**

A source of assistance with construction and general industry safety and health is the Montana Onsite Consultation Project. This division of the Department of Labor and Industry operates independently of OSHA's enforcement branch. The program was developed with small businesses in mind, and is available to private sector employers who want help in recognizing and correcting jobsite hazards.

When an employer uses the service, a trained occupational safety and health professional conducts a free onsite inspection and consultation. No citations or penalties are given for any of the problems that the inspector/consultant may find, and the service is completely confidential. The employer has the responsibility and obligation through the program to correct the identified hazards within an allotted amount of time. In addition, the consultant can assist in developing and maintaining an effective safety program, offer jobsite training and education for employees, and help locate other sources of assistance for safety and health concerns. Although this program can be beneficial, you must realize that there is still no guarantee that a jobsite that has received the consultation services will "pass" an OSHA inspection. For information about Montana's Onsite Consultation Project please contact:

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